

may consume to the distinguished gentleman from Utah (Mr. Hansen), the chairman of the subcommittee dealing with this legislation.

Mr. HANSEN. I appreciate the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of the rule. Today is an important day where we have a chance to restore the right to the American people and their elected representatives to have input in public land discussions.

Mr. Speaker, I would like to talk about two things. First, I want to talk about United States Constitution.

The Constitution gives the authority over the public lands to the Congress. It does not give the authority to the President. Yes, Congress can delegate a certain amount of that power to the Executive Branch, but Congress also has indisputable right to take that power back if it is being abused. The antiquities law is being abused. Huge national monuments have been created and are currently in the process of being created for political reasons and to avoid congressional scrutiny and public input. Congress has the right to stop this abuse and has the obligation to stop this abuse.

This public participation, Mr. Speaker, it is very important in a democracy that the public have the right to participate in important decisions. I think it is particularly important for all the public to participate in public land decisions. It is after all, it is their land; is it not?

As my colleagues know, Mr. Speaker, on September 16, 1969, the President of the United States did the same thing in Arizona and declared 1.7 million acres a national monument. How many of us were aware of this? Very, very few. In fact my AA called up the White House the day before and said, We are hearing this rumor. Is it true that the President is going to declare part of southern Utah, a piece bigger than most of our eastern states; it would take all of the eastern States for a lot of my colleagues in one fell swoop.

Oh, no, we do not know anything about it; we have heard the same rumor. Yet later in that day, the next day they declared this huge, huge piece of land a national monument.

Now why did they do it? Well, we wanted to know. Of course we wanted to know. I chair the Subcommittee on Public Lands and National Parks; I really thought I had a right to know. Did not Governor Leavitt have a right to know? Did not our two senators have a right to know? Did the rest of the delegation? What about the people in Utah; did they not have a right to know? Apparently not, Mr. Speaker.

So we subpoena all these papers, the volumes of papers after a little hassle with the White House. Do my colleagues know what they said? We are doing it for political reasons. We are doing it because the environmental community will think it is wonderful. As my colleagues know, these folks from New York and other areas, they

think that is great. What about the people who live there? Do they not have a say in anything?

So we have a national monument, yet to this day I do not think anyone has delineated what it really protects. So we have this huge piece of ground of rolling hills, of sagebrush and rattlesnakes, and I sure hope somebody enjoys it because everyone that goes there only goes once, and anyway all this little simple bill is about is to say: "Let us have a little notice, Mr. President. We don't want to take away your rights."

In the last term on this floor, we passed one that said let us reduce it to 50,000 acres. We have 73 national monuments, most of them are very small, and let us make sure that the President names what the historic or scientific area is.

How big is 50,000 acres? Pretty good chunk of ground. Realize all of Washington, D.C. is 38,000 acres; bigger than Washington, D.C., and yet the other body did not see fit to pass the legislation.

So this bill is about public participation. All we are saying is the Governor of the State, the congressional delegation of the State really ought to have the courtesy, that word that does not seem to be so prevalent recently, just the courtesy for someone to let us know when we are going to do this, 60 days so someone can react.

I urge support of this rule, Mr. Speaker.

□ 0930

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. VENTO).

(Mr. VENTO asked and was given permission to revise and extend his remarks.)

Mr. VENTO. Mr. Speaker, I rise in support of the rule. I appreciate the work of the Committee on Rules providing for an opportunity to fully consider this matter. Hopefully we have come to a resolution and an agreement with regards to public participation in the notification.

The 1906 law that we are amending has had an important history. Over 105 monuments have been declared over the history of presidential use of this power, which is, I think, essential to try to keep intact with some public participation, notification requirements as are outlined in the bill. This is a meaningful step, a necessary step, and I think it will provide for the opportunity where emergencies dictate for the President to take alternative action. I intend to offer an amendment during the consideration of the bill. I appreciate the format and the House consideration of this matter, and this process.

Mr. Speaker, I rise in support of an open rule to H.R. 1487.

H.R. 1487 was written out of concern that there was a lack of public involvement in the designation of national monuments under the Antiquities Act. Although I had several con-

cerns with the original legislation, Mr. HANSEN and I worked together and offered an amendment that Members on both sides of the aisle could support. As a result, I offered an amendment in the nature of a substitute that passed the committee by voice vote.

Because of the bipartisan work on this legislation, I see no reason why this Chamber should not fully discuss the merits of this legislation under an open rule. Mr. HANSEN and I worked through our differences to achieve an equitable solution to a problem that divided this House last year. I plan to offer an amendment today whose intent states that nothing in this Act shall be construed to modify the current authority of the President to declare a national monument as provided to him under the Antiquities Act. I am offering this amendment because the Resource Committee's report didn't accurately represent the intent and scope of my substitute amendment.

I realize that this legislation does not accomplish everyone's goals, but I also must acknowledge that it is legislation that we can all support. Mr. HANSEN and I have worked on this legislation to try and resolve the issue of the monument declaration procedures and are pleased to offer a proposal that hopefully can win broad support. I would like to express my thanks to the Rules Committee for the positive response and action in approving an open rule for the House consideration. This House should openly debate and openly discuss the merits of this proposal and this important presidential power. I urge my colleagues to vote in favor of this rule.

Mr. FROST. Mr. Speaker, I urge adoption of the rule, and I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 2559, AGRICULTURE RISK PROTECTION ACT

(Mr. HASTINGS of Washington asked and was given permission to address the House for 1 minute.)

Mr. HASTINGS of Washington. Mr. Speaker, this afternoon a "dear colleague" letter will be sent to all the Members informing them that the Committee on Rules is planning to meet the week of September 27 to grant a rule for the consideration of H.R. 2559, the Agriculture Risk Protection Act.

The Committee on Rules may grant a rule which would require that amendments be pre-printed in the CONGRESSIONAL RECORD. In this case, amendments must be pre-printed prior to consideration of the bill on the floor. Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the office of the parliamentarian to be certain that their amendments comply with the House rule.

NATIONAL MONUMENT NEPA
COMPLIANCE ACT

Mr. HASTINGS of Washington. Pursuant to House Resolution 296 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1487.

□ 0932

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1487) to provide for public participation in the declaration of national monuments under the Act popularly known as the Antiquities Act of 1906, with Mr. MILLER of Florida in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Minnesota (Mr. VENTO) each will control 30 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate the opportunity to bring this important bill to the floor. H.R. 1487 was designed to inject more public participation and input into national monument proclamations. The bill as reported from the Committee on Resources is the result of a bipartisan cooperation between the gentleman from Minnesota (Mr. VENTO) and myself and would amend the Antiquities Act to require the President to allow public participation and solicit public comment prior to creating a national monument.

It would also require the President consult with a congressional delegation and governor of the affected States at least 60 days prior to any national monument proclamations. H.R. 1487 as reported from the Committee on Resources requires the President to solicit public participation and comment while preparing a national monument proposal, to the extent consistent with the protection of historic landmarks, historic and pre-historic structures and other objects of historic or scientific interest located on the public lands to be designated.

In addition, H.R. 1487 as reported requires the President to consult, to the extent practical, with the governor and the congressional delegation of the State in which the lands in question are located, at least 60 days before declaring a monument.

I have several specific concerns regarding the qualifiers. The first is the possibility that a President could still ignore the public consultation and official notice provisions of the Antiquities Act because of ambiguous phrases such as, quote, "to the extent consistent," and, quote, "to the extent practical."

While such phrases are intended to give the President a certain amount of

latitude to cope with unusual circumstances, they are not intended to give the President carte blanche to ignore the provisions of the Antiquities Act. Nor were they intended to preclude judicial review if the President does abuse the limited discretion.

The committee strongly intended that the phrases "to the extent consistent" and "to the extent practical," should not be interpreted as allowing the President to ignore the public participation and consultation provisions of the Antiquities Act simply because he can point to possible problems that may occur from delay.

A certain amount of delay is inherent in a statutory scheme that requires public participation, and subsequent to the passage of this bill, Antiquities Act decisions should take considerably more time to make. The President, however, may not skip the public participation phase simply because it may take time. The President is expected to use other available provisions of law to protect the land if such protection is needed while public participation proceeds.

For example, the President should use all other tools at his disposal to protect lands short of a monument declaration. An example of this would be the secretarial ability to conduct a segregation or withdrawal, under Section 204 of the Federal Land Policy and Management Act, while public debate on the proposed monument proceeds.

The second issue is the nature of public participation that the President is required to allow prior to a national monument declaration. The original bill would have required the preparation of an environmental impact statement pursuant to NEPA. The bill as amended does not address, I want that point to be clear, does not address the NEPA issue, but comparable public participation is still required.

It is the committee's strong intent that the President, subject to a few modifications reflecting the peculiarities of national monument declarations and the intent of this legislation, should follow the same general public participation pattern that the Interior Department follows in compliance with NEPA.

The President should provide at all stages of the public process full dissemination of appropriate information, meaningful hearings and allow generous comment periods.

It is anticipated that the President may delegate the creation and administration of these procedures to an appropriate agency, such as the Department of Interior or the Department of Agriculture.

The committee also expects any designation process under the Antiquities Act to address pertinent issues that are necessary for meaningful public comment and sound decision-making.

Finally, H.R. 1487 would require any subsequent management plan developed for a national monument to comply with NEPA. The fact that the

President has gone through an extensive public input process on a decision whether to declare a monument should not be interpreted to replace the NEPA process that is associated with the subsequent management plan.

Mr. Chairman, I reserve the balance of my time.

Mr. VENTO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to commend my colleague, the gentleman from Utah (Mr. HANSEN), the chairman, for his work on this process. For the past 5 years, there has been a great deal of concern and some acrimony concerning the designation of the Escalante-Grand Staircase National Monument by President Clinton in his home State of Utah.

Clearly, that has propelled us to a point where we are seeking to try to make the Antiquities Act, the presidential power to declare national monuments, work in a way that does engage the public and does provide notification to elected Members of the House and Senate, and to the governor of the State. That is basically what this legislation does.

I know that there are a lot of other initiatives that he has put forth with regard to this, but I think this one does get to the issue at least of notification so that there can be perhaps somewhat of a more open debate with regards to this matter.

The legislation, as was amended in the Committee on Resources, offers a common sense approach to the designation of monuments under the Antiquities Act. I was pleased to work out the provisions with the chairman of the Subcommittee on National Parks and Public Lands. He initially wrote H.R. 1487 out of concern that there was a lack of public involvement in the designation of national monuments under the Antiquities Act.

Congress, of course, established the Antiquities Act in 1906 to provide the President an opportunity to protect historic landmarks, and pre-historic structures and other objects of historic or scientific significance that face possible damage or destruction due to Mother Nature or man's encroachment.

I might say that the Antiquities Act only applies to public lands. Generally, of course, we are talking about Federal lands. It does not apply to State lands. It does not apply to private lands, although sometimes there are, in terms of the Federal lands, those lands could be within those parcels.

At the time, of course, of its passage early in this century, Congress realized that its very nature as a deliberative body precluded the House and Senate from acting swiftly when important scientific and cultural objects or landscapes were at risk. Because of the potential threat with conflicting Federal land policies impacting public land, Congress recognized the need to expedite national monument designations and accorded presidents broad new powers embodied in the Antiquities Act